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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/449,738	11/26/1999	AKIHIKO SATO	35.C14040	6641
5514	7590	06/08/2004	EXAMINER VIDA, MELANIE M	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ART UNIT 2626	PAPER NUMBER

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/449,738

Applicant(s)

SATO, AKIHIKO

Examiner

Melanie M Vida

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 4/28/04. Claims 9-17, and 19-24 are pending. Claims 1-8 and 18 have been cancelled.

Response to Arguments

2. Applicant's argument with respect to claims 9-17, and 19-24 have been considered, and are persuasive. It is agreed that the inquiring means, recited in claim 9, and 19 was not properly rejected. Thus a new grounds of rejection in view of Rhoads is applied below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 9-24** are rejected under 35 U.S.C. 102(b) as being anticipated by US-PAT-NO: 6,542,927 B2, (hereinafter, Rhoads).

Regarding, **claim 9**, Rhoads, as shown in figure 1, teaches a system (10) that comprises an optical sensor (12) such as a digital camera, a computer (14) and a network connection (16) to the internet (18), which reads on "an image processing apparatus which comprises:" (col. 2, lines 64-67). The computer (14) detects, which reads on "detecting means for detecting" digital data steganographically (i.e. digitally watermarked) in an image captured by the optical sensor

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(12), which reads on "digital watermark information contained in image data", (col. 3, lines 1-7, lines 13-16, lines 32-35). A Bedoop system obtains the DNS ID, which reads on "obtaining means", that represent the internet server addresses, which reads on "for obtaining an address of a device", (col. 7, lines 24-30).

Rhoads teaches that the DNS data is followed by the Universal Identifier (UID) used to access the corresponding database record that includes useful information such as author of the file, creation date, record including name, title, office, phone, office fax, home phone, home fax, cellular phone, email address, company name, corporate web page address, personal web page address, secretary's name, spouse's name, and birthday, which reads on "a data list relation to said image data from said detected digital watermark information" (col. 4, lines 5-11; col. 7, lines 16-20, lines 25-30, col. 16, lines 20-34).

Rhoads teaches the record is transmitted back to the originating Bedoop system, which reads on "data list receiving means", (col. 16, lines 30-35). The choices are presented to the user by textual prompts, synthesized voice, which reads on "for receiving said data list from said device according to said address obtained by said obtaining means", (col. 16, lines 40-43).

The local computer (aka local Bedoop system), which reads on "data receiving means", responds to a user that manipulates the business card by selecting the following: move up to telephone at home; move right to access corporate web page; move left to access personal web page, which reads on "for receiving data selected by a user from said data list", (col. 16, lines 40-49).

Rhoads teaches in response to Bedoop data, a form of authentication or password data, which reads on "inquiring means" Bedoop data having different UID's may have varying

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degrees of access authorization to a card-giver's biographical information, which reads on "for inquiring, prior to the receiving of said data list by said data list receiving means, whether to perform the receiving of said data list by said data list receiving means in accordance with said detected digital watermark information", (col. 16, lines 60-67).

Regarding, **claim 10**, Rhoads teaches that the local system presents to the user, the choices such as a personal calendar, which reads on "wherein said data is an image", (col. 16, lines 53-56). Further, teenagers can carry cards to grant access to favorite music and video clips or video DVDs, which reads on "a speech, or a movie", (col. 17, lines 35-43; col. 25, lines 10-17).

Regarding, **claim 11**, Rhoads teaches that Bedoop data can lead to a travel web page, that presents fair and lodging information useful to a reader who wants to vacation at the illustrated beach, the far information customized to the reader's home airport by reference to user profile data stored on the user's computer and relayed to the web site to permit customization of the displayed page", which reads on "wherein said data list has written therein a plurality of data pieces and charge information for said plurality of data pieces", (col. 15, lines 50-59).

Regarding, **claim 12**, Rhoads teaches of ancillary data appended with Bedoop data, a data field that will be interpreted by the remote computer such as a credit card data, which reads on "said data reception is performed by selecting said user's desired data from said data list and inputting the number of a cash card of said user", (col. 20, lines 56-64; col. 24, lines 11-21; col. 27, lines 40-47).

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Regarding, **claim 13**, Rhoads inherently teaches, “wherein said data is data of another produce of a painter who has written said image data” as evidenced by teenagers can carry cards to grant access with new acquaintances, their artwork, (col. 18, lines 31-34).

Regarding, **claim 14**, Rhoads teaches that Bedoop data can be conveyed by embedding it in MP3 of songs by artists to link to another web site so that the user can manipulate the object to select different options, which reads on “said data is data of another produce of a composer who has written a musical note corresponding to said image data”, (col. 24, lines 61 through col. 25, lines 9).

Regarding, **claim 15**, Rhoads inherently teaches, “wherein said data is data of another produce of an author who has written a book corresponding to said image data”, as similar options (such as artists on CD’s, or songs from other artists of the same genre or authors of books published in the same genre), can be accessed using Bedoop data associated with printed book materials, (col. 25, lines 17-19).

Regarding, **claim 16**, Rhoads teaches Bedoop data in photographs can also be used to provide the photograph owner, which reads on “wherein said data is data of another produce of an photographer who has taken a photograph corresponding to said image data” as evidenced by, (col. 22, lines 11-20).

Regarding, **claim 17**, Rhoads teaches that Bedoop data payload is 64 bits divided into three bits, CLASS, DNS, and UID, which reads “said address comprises a plurality of addresses”, (col. 7, lines 8-13). Local systems may have libraries of Bedoop services that may be shareware or open-source programming efforts, or available on all computers, which reads on “, and said data receiving means receives a data list of a plurality of devices”, (col. 10, lines 1-8).

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Regarding, **claim 19**, please refer to the corresponding rejection in claim 9.

Regarding, **claim 20**, please refer to the corresponding rejection in claim 9, and further wherein local systems may have libraries of Bedoop services that may be shareware or open source programming efforts, which reads on “a storage medium for computer-readably storing a program to achieve an image processing method”, (col. 10, lines 1-8).

Regarding, **claim 21**, Rhoads teaches that teenagers can carry cards to exchange with new acquaintances to grant access to private dossiers of personal information, favorite music, artwork, video clips, cards decorated with art, which reads on “wherein said data is data that has been produced by the same person who created content corresponding to said image data”, (col. 17, lines 35-40).

Regarding, **claim 22**, please refer to the corresponding rejection in claims 13-16.

Regarding, **claim 23**, please refer to the corresponding rejection in claims 21 and refer to the corresponding rejection in claim 10.

Regarding, **claim 24**, please refer to the corresponding rejection in claim 11.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rhoads, US-PAT-NO: 6,311,214, a printed object such as a book or printed advertising, a business card, steganographically encoded to establish a link to an internet address corresponding to the object.

Rhoads, US-PAT-NO: 6,324,573, embedded information such as the URL addresses of the network node to permits itself to serve as an automated hot link.

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Ramos et al. US 2002/0196272 A1, smart images and image bookmarks for Internet browser.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie M Vida whose telephone number is (703) 306-4220. The examiner can normally be reached on 8:30 am 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melanie M Vida
Examiner
Art Unit 2626

MMV
mmv

May 19, 2004

KA Williams
KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER